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February 16, 2024

VIA ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *New Yorkers Against Congestion Pricing Tax v. U.S. Dep't of Transp.*, No. 24 Civ. 367 (S.D.N.Y.); *Chan v. U.S. Dep't of Transp.*, No. 23 Civ. 10365 (S.D.N.Y.) (LJL)

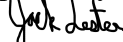
Dear Judge Liman:

I am writing on behalf of Plaintiffs New Yorkers Against Congestion Pricing Tax (“*New Yorkers*”) in the above referenced action (No. 24 Civ. 367). While *New Yorkers* agree with the substance of the proposed scheduling order submitted by Roberta Kaplan, counsel for Defendant MTA, the letter also includes a Chart. Notably, the Chart does not include *New Yorkers*’ intention to amend their complaint, despite my repeated requests, in accordance with my statement on the record during the conference before Your Honor held on February 12, 2024.

New Yorkers intend to include the “Green Amendment” of the New York State Constitution as a cause of action in their amended pleading. Article 1, Section 19 of the New York State Bill of Rights enshrines basic environmental protections into the legal fabric and framework of rights afforded each citizen of New York State. Article 1, Section 19 states “[E]ach person shall have a right to clean air and water, and a healthful environment.”

As I expressed during the conference before Your Honor, *New Yorkers* includes Plaintiffs residing in environmental justice communities from the South Bronx, East Harlem and the Lower East Side. The administrative record demonstrates that these communities will face significant negative environmental impacts resulting from Congestion Pricing. Therefore, *New Yorkers* respectfully request until February 26, 2024 to amend their Complaint accordingly.

Respectfully submitted,


Jack L. Lester, Esq.

Cc: All parties (ECF)